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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/841,018 | 04/23/2001 | Ranjit Sahota | 004572.P004 | 5829 |

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EXAMINER

BUI, KIEU OANH T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,018

Applicant(s)

SAHOTA ET AL.

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/30/05 have been fully considered but they are not persuasive. Please see the following supportive statements within the revised office action in response to the applicant's arguments.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al. (U.S. Patent No. 6,584,153 B1).

Regarding claim 1, Gordon discloses "a system comprising: a display; and a receiver to receive a broadcast and to insert an interactive channel bug into the broadcast, the interactive channel bug to facilitate interactivity, and to provide the broadcast and the interactive channel bug to the display", i.e., a display 100 as shown in Figure 1 and a receiver as shown in Figure 2 for receiving interactive broadcasting services from a broadcaster, and the display further provides an interactive channel barker as well as other icons as object 110 and object 115 regarding as interactive channel bug to display to the viewer for interactivity (col. 3/lines 25-53

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& col. 7/lines 1-27). In addition, the objects or an interactive channel bug are overlay objects and they can be placed anywhere on the screen, and the objects are transmitted as part of the video stream, another word, within the broadcast stream (refer to col. 3/line 54 to col. 4/line 24) (Figure 1 is not an entire illustration of the concept of Gordon, as argued by the applicant that Figure 1 does not show the objects are within the broadcast).

As for claims 2-3, Gordon further discloses “wherein the interactive channel bug is a graphical object” (Fig. 1, item 120 provides a graphical object, col. 7/lines 15-27) and “wherein the graphical object includes an interactive broadcast channel branding logo” (Fig. 1/item 115 for a branding logo, col. 7/lines 1-14).

As for claims 4-5, Gordon shows “wherein the receiver selectively causes the interactive channel bug to appear or morph” and “wherein the interactive channel bug is a launching point for interactive services”, i.e., selecting these icons will cause to appear the display of the interactive session for browsing/buying products and services (col. 7/lines 1-27).

As for claim 6, Gordon discloses “wherein the interactive channel bug launches a functionality determined by a broadcaster or network operator, the functionality capable of changing over time”, i.e., the network changes to provide the icons over time based on the request or interest of the user, col. 3/lines 35-64, and col. 13/line 42 to col. 14/line 67 for further details on other services).

As for claim 7, Gordon discloses “wherein the form of the interactive channel bug is to change to indicate the availability of new interactive services” (Fig. 3/item 318 as an overlay object can be modified as a new interactive service is available, see col. 9/lines 8-26).

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As for claim 8, Gordon discloses “wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with the broadcast” and “wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with a purchase of products or services” (Fig. 3, and col. 7/line 39 to col. 8/line 58 for the interactive sessions provided from the broadcaster related to products and services).

Regarding claims 10-17 of “a method for a display system comprising: receiving a broadcast; receiving an interactive channel bug; inserting the channel bug into the broadcast, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system”; claims 18-25 of “a machine-readable medium providing instructions, which if executed by a processor, causes the processor to perform an operation comprising: receiving a broadcast; receiving an interactive channel bug; inserting the interactive channel bug into the broadcast, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system”; and claims 26-28 of “a method for providing interactive content comprising: capturing and analyzing a video stream to locate a standard non-interactive broadcast bug; determining a position of the standard non-interactive broadcast bug; aligning an interactive bug over the broadcast bug at the position; and displaying the interactive bug over the broadcast bug within the video stream” (col. 4/lines 25 to col. 5/line 27 for interactive video streaming addressed, with object such as 115 is considered non-interactive channel bug, are part of broadcast stream to display to the user, and the objects can be placed or aligned anywhere on the screen as discussed in claim 1 above), these claims with same limitations are rejected for the reasons given in the scope of claims 1-9 as discussed in details above.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
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KB
September 13, 2005